

HOUSE BILL 180

J1

1lr1219

By: **Delegates Nathan–Pulliam, Braveboy, Burns, Cane, Costa, Griffith, Hubbard, Jameson, Kach, Lee, Morhaim, Pena–Melnyk, and V. Turner**
Introduced and read first time: January 27, 2011
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Coverage of Donor Breast Milk – Infant Survival Act**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to
4 reimburse a hospital for donor human breast milk provided to a Maryland
5 Medical Assistance Program recipient under certain circumstances; and
6 generally relating to reimbursement under the Maryland Medical Assistance
7 Program.

8 BY repealing and reenacting, without amendments,
9 Article – Health – General
10 Section 15–101(a), (h), and (i)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2010 Supplement)

13 BY adding to
14 Article – Health – General
15 Section 15–114.2
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2010 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Health – General**

21 15–101.

22 (a) In this title the following words have the meanings indicated.

23 (h) “Program” means the Maryland Medical Assistance Program.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (i) "Program recipient" means an individual who receives benefits under the
2 Program.

3 **15-114.2.**

4 **THE DEPARTMENT SHALL REIMBURSE A HOSPITAL FOR DONOR HUMAN**
5 **BREAST MILK PROVIDED TO A PROGRAM RECIPIENT IF:**

6 (1) **THE PROGRAM RECIPIENT IS AN INFANT UNDER THE AGE OF**
7 **3 MONTHS;**

8 (2) **THE PROGRAM RECIPIENT IS CRITICALLY ILL;**

9 (3) **THE PROGRAM RECIPIENT IS IN THE NEONATAL INTENSIVE**
10 **CARE UNIT OF THE HOSPITAL;**

11 (4) **A PHYSICIAN ORDERS THE MILK FOR THE PROGRAM**
12 **RECIPIENT;**

13 (5) **THE DEPARTMENT DETERMINES THAT THE MILK IS**
14 **MEDICALLY NECESSARY FOR THE PROGRAM RECIPIENT; AND**

15 (6) **THE MILK IS OBTAINED FROM A DONOR HUMAN MILK BANK**
16 **THAT MEETS QUALITY GUIDELINES ESTABLISHED BY THE DEPARTMENT.**

17 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
18 **October 1, 2011.**